

If you wish to appear for oral argument, you must so notify the court and opposing counsel by 4:00 p.m. one court day before the hearing, pursuant to California Rules of Court, rule 3.1308. The court telephone number is (209) 533-6524.

Absent a request for oral argument, the tentative ruling will be adopted as final at the time set for hearing.

1. CV59739 Jeanette K. Walczak, et al. v. Steven H. Peterson, et al.

Motion: Motion for order sealing exhibit G to declaration of Wayne A. Wolff
in support of application to determine good faith of settlement
Moving parties: Defendants Stryker Corporation and Howmedica Osteonics Corp.
Motion filed: September 15, 2016

Tentative ruling: The motion is DENIED.

Analysis

Even if it were persuaded by Defendants' legal arguments, the Court could not grant the motion when it was not presented with a complete copy of the record proposed to be sealed. The copy of the Confidential Settlement Agreement and Full Release lodged conditionally under seal on September 15, 2016, is missing page 6, and page 5 ends mid-sentence. The Court also notes that no signatures by the moving defendants or their counsel appear in the lodged pages.

Notwithstanding the issues with the lodged record itself, having analyzed the arguments presented in the motion, the Court cannot make the express factual findings required to grant the motion. (See Cal. Rules of Court, rule 2.550, subd. (d).) Defendants have failed to persuade the Court that any of the five factors has been satisfied. Most of the case law cited by Defendants is not directly on point, the Court is unclear what privacy interests are alleged to be at stake, and, contrary to Defendants' representations, *Universal City Studios, Inc. v. Superior Court* (2003) 110 Cal.App.4th 1273 in fact supports denial of the instant motion. The Court cannot grant the motion based solely on the agreement or stipulation of the parties. (Cal. Rules of Court, rule 2.551, subd. (a).)

2. CV60185 Ed Martin, et al. v. Mountain Springs Development, LLC, et al.

Motion: Motion for injunctive relief and temporary restraining order
Moving parties: Plaintiff Ed Martin
Motion filed: June 23, 2016

Tentative ruling: No tentative ruling is available. See the analysis below.

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Analysis

On September 19, 2016, a continuance of the hearing on the instant motion (set, at that time, for September 30, 2016, after it previously had been continued from August 19, 2016) was granted based on a representation by the parties that they had made “significant progress” in settlement discussions aimed at resolving not only the motion but the entire case. On October 14, 2016, Plaintiffs filed a Case Management Statement indicating that “[t]he matter is tentatively resolved.” As of October 26, 2016, no opposition to the motion had been filed. If Mr. Martin wishes to proceed with the motion despite these representations, he should request a continuance. The Court is not inclined to use its limited resources evaluating requests for injunctive relief when the parties have advised the Court that the matter has been resolved.

3. **CV60251** **Enrique Casarez v. California Highway Patrol, et al.**

Motion: Motion to strike portions of complaint
Moving parties: Defendants
Motion filed: September 22, 2016

Tentative ruling: The unopposed motion is GRANTED.